

August 9, 2004

In the case of Svend Robinson, the citizens succeeded and the judge failed

A long-time B.C. criminal prosecutor I know puts it this way. "To be effective, the criminal law must be feared." Otherwise people will ignore it.

When a crime can be proven, he says, prosecutors must level the most serious charge available, and judges must not be too lenient in sentencing.

In the case of Svend Robinson last week, we got the first but not the second. After loud public clamor, Svend Robinson was charged with indictable theft (maximum sentence 10 years), and not with some minor misdemeanor or not at all.

That alone was an achievement. Everything about the initial handling of the Robinson case by the media, the police and the prosecution office smacked of political favoritism.

On Friday (August 6), the flamboyant former Burnaby-Douglas Member of Parliament pleaded guilty to stealing a \$64,500 ring from a Vancouver auction on April 9.

Special prosecutor Leonard Doust argued for at least a suspended sentence and a criminal record. He pointed out that Robinson's theft was a calculated act that took him half an hour to pull off, and not some impulsive twitch of the fingers as he has claimed all along.

(Robinson admitted that he asked an auction attendant to let him examine three rings. He returned two to the attendant and quietly stuck the third in his jacket. Then he left, locked the jacket in his car and returned to the auction for another half hour.)

Doust also pointed out that Robinson had been shopping for a ring for some time, that he had a conscious purpose for it as an engagement ring, that it was worth more than most Canadians earn in a year, and that police were trying to find Robinson days before he decided to call them and confess.

Provincial Court Judge Ron Fratkin, however, concluded, "Not many people can say they have fallen as far as Mr. Robinson... He has faced public humiliation. He has been vilified... He's embarrassed himself, and he has lost [his job and] the opportunity to do what he does so well."

He let Robinson off with a year's probation, 100 hours of community service, and no criminal record so that he may travel internationally.

Just how far and for how long Robinson has fallen is an open question.

He has a job as a claims officer for the B.C. government employees union. In July, after he had ceased to be an MP, he represented Canada at a conference in Edin-

burgh to lecture eastern European parliamentarians on integrity in government. At age 52 he is three years away from collecting his MP pension of \$86,663 a year. And his long-time local riding assistant and friend has won the Burnaby seat, and could at any time step aside to let Robinson win it again.

The only man who might have prevented Robinson from returning to Parliament was Judge Fratkin, by tarring him with the criminal record his crime warranted. And even though it is quite rare to let anyone convicted of indictable theft leave court with no criminal record at all, Judge Fratkin did it anyway.

Given such an example, why would voters view it differently?

The objective here should not be to punish Svend Robinson for his politics, whether we agree with them or not. The point is to ensure that the criminal law will be feared. Judge Fratkin has failed miserably to do so.

- Link Byfield

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